

REMARKS

Since the Office Action, dated July 18, 2006, is final, this submission is accompanied by a Request for Continued Examination (RCE) together with the required fee.

Claim amendments

Claims 6, 7, 12 - 13 and 15 - 16 are amended to clarify what is meant by "interlocking."

Claim 8 is amended to recite that the assembly is a ring slicer.

Claims 10 and 14 are amended to correct errors.

Drawings

Replacement sheets are submitted herewith that address the objections to the drawings.

Section 102 Rejections

Claims 1 and 3 - 9 stand rejected under 35 USC §102(b) as being anticipated by Ward, U.S. Patent No. 3,322,175, Little, U.S. Patent No. 3,209,801, Nicholson et al., U.S. Patent No. 3,661,192, and Hansel et al., U.S. Patent No. 4,298,044.

Some background is provided regarding the claim terminology as follows:

The term "upper clamping member," though not a term of art, would be understood (because of the word "upper") to define a clamping member that is high in elevation relative to the knife as that combination is depicted according to the standard drawing convention which is used in the present application as well as the references cited. Therefore, the annotations of the

Figures taken from the Little and Nicholson references are incorrect insofar as they refer to parts that are at lower elevations than the knife as being upper clamping members.

On the other hand, Applicant agrees that the annotations of the Figures taken from the Ward, Hansel, and Swartwood references with regard to the upper clamping member are proper.

The term “wearshoe” is a term of art, and it does not have the same meaning as “wear plate.”

The term “base,” though not a term of art in this context, is used in Applicant’s specification to refer to a distinct type of structure that is readily identifiable by persons of ordinary skill as being a component of a ring slicer that intermediates between an upper clamping member and the wearshoe, such as shown in Applicant’s Figure 6.

With this background in mind, the rejections of the claims are addressed as follows.

Claims 1 and 3 - 5

The Little, Nicholson and Hansel references clearly do not meet the claim requirement for a cantilevered upper clamping member defining a gap that is closed by elastically deflecting the clamping member to bring it into contact with the knife. The upper clamping members in all three of these references are not cantilevered, i.e., they are supported at two ends before any clamping bolts are tightened, and there is no gap between the upper clamping member and the knife that is closed by elastically deflecting the upper clamping member. The annotation “cantilevered” on the Nicholson Figure does not relate to an upper clamping member, nor does it relate to a feature that either is in contact, or comes into contact, with a knife.

Ward also fails to meet the claim requirements, but it requires more analysis to appreciate

this. The combination of the “outer plate 16,” the “heel portion 22,” and the “toe portion 26” corresponds most closely to the claimed upper clamping member, and it will be referred to hereinafter as such. The reference explains that the toe portion of the upper clamping member is inclined relative to the knife so that contact is made with the knife along a narrow strip 47. The other end of the upper clamping member, i.e., the heel portion, also makes contact with an inclined surface so that, initially, contact is made over a relatively small area. Thus, “[b]y tightening the screw 36, the clamping surface 34 of the heel portion 22 is clamped down hard against the surface of the heel plate 8, so that the clamping surface 30 of the toe portion 26 clamps the knife 49 . . . with a known pressure as determined by the flexing of the . . . [upper clamping member] between its heel portion 22 and its toe portion 26.” Col. 2, lines 30 - 38.

So Ward, unlike any of the other references, utilizes elastic deformation of the upper clamping member, and it follows that the teachings of Ward are the most pertinent of record in this regard.

However, the reference is clear that contact is made at both the heel and toe portions before any clamping force is applied, and therefore before any elastic deformation of the upper clamping member occurs, just as in the other references. Ward uses the elastic deformation to tighten a pre-existing or initial contact with the knife, it does not initially provide a gap between the upper clamping member and the knife that is closed by the elastic deformation as claimed. Accordingly, like the other references of record, Ward fails to anticipate the claims.

Claims 6 - 7

These claims recite a “base,” and Little and Nicholson can be dismissed because they do

not have a “base,” i.e., there is no intermediating structure that is disposed between the two parts that clamp the knife.

Hansel discloses a disc chipper, with a “counterknife” or “wear plate.” The term “counterknife” is a term of art in disc chippers, the function of the counterknife 34 being essentially to act as a sacrificial, removable portion of the “knife holder 32” and thus functioning merely as a wear surface or “wear plate” of a lower clamping portion or member.

Persons of ordinary skill distinguish disc chippers from ring slicers, and would understand that a counterknife is not a wearshoe. Applicant used the term “wearshoe” in the claims deliberately, to limit the claims to combinations that include a structure that would be recognized in the art as a wearshoe and not something else.

So it is respectfully submitted that, using a proper construction of the claim terminology, Hansel does not show what is claimed and therefore does not anticipate.

However, the rejections are also rendered moot because the claims are amended to clarify what is meant by interlocking, by making it explicit that interlocking prevents relative movement in both directions toward and away from the knife, such as accomplished by the structure shown in Figure 6 of the present application. None of the references cited teach or suggest interlocking features as claimed.

Claim 8

All of the comments regarding the equivalence of the structures claimed as compared to the structures identified by the Examiner from the references as being corresponding structures apply to claim 8 as well. There is no anticipation because none of the references disclose all the

claim elements, properly construed. The preambles of claims 6 - 8 have been amended to make it more clear that the structures claimed are ring slicers, even though this follows from use of the term "wearshoe."

Section 103 Rejections

Claims 9 - 17 stand rejected under 35 USC §103(a) as being unpatentable over Swartwood, U.S. Patent No. 5,979,522 in view of either Dean, U.S. Patent No. 4,972,888 or Loth, U.S. Patent No. 6,561,885.

The rejections are based on the assertion that the primary reference Swartwood teaches a base, upper clamping member and a wearshoe. But like Hansel, Swartwood is a disc chipper (or chipper disc); it is not a ring slicer, and so there is no wearshoe.

Regardless, there is still no *prima facie* basis for the rejections because there has been no showing that any of the references teach or suggest (a) shoulder bolts to connect the claimed assembly to the end plates, where (b) the shoulder portions of at least two shoulder bolts extend through one of the end plates into the base, as recited by the claims.

Respectfully submitted,



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